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U.S. DISTRICT COURT

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**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

JONATHAN H. LEVY,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE

Defendant.


NO.

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

CASE NUMBER 1:06CV01007

JUDGE: Gladys Kessler

DECK TYPE: FOIA/Privacy Act
530

INTRODUCTION DATE STAMP: /2006

1. Plaintiff brings this action pursuant to the provisions of 5 USC § 552 known as the "Freedom of Information Act" (FOIA) and in particular 5 U.S.C. § 552(a)(4)(B) which grants judicial review when agency records have been improperly withheld.

2. Plaintiff is an attorney licensed in California whose long time client; Phillip J. Kronzer, CEO of the Phillip J. Kronzer Foundation for Religious Research, has been accused of involvement by third parties in the serious crime of mailing to California from the United Kingdom three anthrax or "white powder" hoax letters to two police stations (Los Gatos and Campbell, CA) and a private residence in San Jose, California in May 2003. The same third parties have also accused Plaintiff of "covering up" the incident.

3. Phillip J. Kronzer is a key figure in this lawsuit. As CEO of the Kronzer Foundation he has been a frequent guest on talk radio and has been tagged by the Northern California media as "The Los Gatos Cultbuster" for his crusade against dangerous religious

COMPLAINT ~ P.1

cults. Phillip J. Kronzer will waive any privacy associated with the records sought.

4. Plaintiff seeks judicial review of the withholding of the requested files and their release by the USPS.

PLAINTIFF

5. Plaintiff Jonathan Levy is an attorney licensed in California. The real parties in interest include Phillip J. Kronzer and the Kronzer Foundation.

DEFENDANT

6. Defendant is the United States Postal Service located in Washington, DC.

VENUE

7. Venue is proper in this district pursuant to Section 552(a)(4)(B).

FOIA REQUEST

8. On March 10, 2005 an initial FOIA request with follow ups on July 16, 2005, and November 30, 2005 were made requesting to the USPS file on: "Anthrax Hoax Letters sent to Los Gatos, CA and Campbell, CA Police and individual in San Jose, CA in May 2003 – The mailing from England and the reception of white powder – anthrax - hoax letters in the first week of May 2003 by the Police Departments of Campbell and Los Gatos, California and a private individual in San Jose, California including any related materials and incidents."

9. The requests were denied in full on March 30, 2005, August 1, 2005, and December 5, 2005 by USPS on grounds of FOIA Exemption 7(a).

10. On December 31, 2005, Plaintiff appealed these denials.

11. On January 10, 2006, USPS denied Plaintiff's appeal on grounds of FOIA Exemption 7(a).

12. . Plaintiff has a statutory right to the records that it seeks, and there is no legal basis for Defendant's refusal to disclose them.

ALLEGATIONS

Plaintiff alleges on information and belief that:

13. Pursuant to the Freedom of Information Act, 5 U.S.C. § 552(a)(3), Plaintiff has a right of access to the documents requested, and Defendant has no legal basis for their actions in withholding the right of access to such documents, as their reliance on Exemption 7(a) has no justification in law or fact.

14. Plaintiff has exhausted its administrative remedies as provided in the Freedom of Information Act and agency regulations.

WHEREFORE, Plaintiff prays this Court:

1. To take jurisdiction of this case;
2. To order Defendants to release the requested documents to Plaintiff;
3. To grant such other and further relief as the Court may deem just and proper.

DATED: May 26, 2006 at Hilton Head Island, South Carolina.



Plaintiff in Pro Se: Jonathan H. Levy